

ARGUMENTS/REMARKS

Applicants would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action and amended as necessary to more clearly and particularly describe and claim the subject matter which applicants regard as the invention. In particular, claims 1, 18, and 31 have been amended. It is believed that the application is now in condition for allowance. Reconsideration is respectfully requested.

Claims 1-5, 9, 12, 13, 16-18 and 30-32 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,542,451 to Foster in view of FILTERSTAR, S/ENS:841553-01 Inlet pipe; S/ENS:841545-01 Outlet pipe; 3 pages. Claims 14 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Foster in view of Filterstar and further in view of Gundersen. Claims 1-5, 9, 12-18 and 30-32 should be allowed for at least the following reasons. Independent claims 1, 18 and 31 have been amended to more distinctly point out the patentable subject matter. Claims 2-5, 9, 12-17, 30 and 32 are each dependent upon one of the independent claims noted above and are also believed to be in condition for allowance as depending from said allowable independent claims.

In particular, Foster in view of Filterstar fails to disclose every limitation of the currently amended independent claim 1. Specifically, Foster in view of Filterstar does not disclose a water intake system that pulls in water from the aquarium through multiple movably located inlets that customizably pull water in from multiple locations. Foster in view of Filterstar also does not disclose that a water return system that permits the water to return to the aquarium from multiple movably located outlets customizably located in multiple locations of the aquarium.

In this regard, Foster does not disclose or otherwise teach the concept of pulling in water from multiple movably located inlets as currently claimed in claim 1. Foster merely shows water being taken in from multiple permanent locations or ports 23. Filterstar just shows water being taken in from one location and does not

disclose or teach the concept of pulling in water from multiple movably located inlets. As such, neither Foster nor Filterstar teaches or otherwise discloses the concept of pulling in water from multiple movably located inlets as currently claimed in claim 1. Accordingly, we respectfully request that claim 1 be allowed.

Independent claim 18 was rejected for the same reasons that claim 1 was rejected. Claim 18 has been amended to more particularly point out the movably located aspect of the water intake means and water return means. For the reasons discussed above, claim 18 is currently in condition for allowance.

In the rejection of claim 31, the Examiner stated that Foster as modified teaches at least one valve assembly to manage at least one of the water return system and the water intake system to regulate a flow rate. Claim 31 has been amended to more particularly point out the fact that the valve assemblies as claimed are movably located inside of the aquarium and customizable to regulate a flow rate. In contrast, Foster merely discloses one permanent diverter valve that is located outside of the aquarium. Accordingly, a movably located valve assembly located inside the aquarium is not taught in Foster.

Moreover, one would not be motivated to modify Foster according to Filterstar. Not only are the ports 23 disclosed in Foster permanent, a standard aquarium could not even accommodate such ports which would be permanent holes in the glass of the aquarium (see FIGS. 2, 4, 6 and 16) that would have to be coupled to nozzles 13 or water would just flow out of the aquarium onto the floor. In stark contrast, Filterstar is used in conjunction with any standard aquarium that does not contain holes in the glass or ports 23 as disclosed in Foster. Accordingly, there is not motivation to modify Foster according to Filterstar.

The remaining rejected claims all depend, directly or indirectly, upon independent claims 1, 18 and 31 discussed above, and thus are patentable over the reference for at least one of the reasons discussed.


In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby

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requested. If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 35269US1.

Respectfully submitted,

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